

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

WILBUR EVANS

PETITIONER

V.

CIVIL ACTION NO. 4:10CV21 DPJ-FKB

DALE CASKEY

RESPONDENT

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court, and the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court. In the Report and Recommendation, Magistrate Judge F. Keith Ball recommended dismissal of the petition as untimely pursuant to 28 U.S.C. § 2244 (d), and the Court agrees with this conclusion. Moreover, Petitioner did not file an objection, and the time to do so has now passed.

IT IS, THEREFORE, ORDERED that the unopposed Report and Recommendation of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court, and the same entire action should be dismissed with prejudice.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED this the 27th day of May, 2010.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE